

## Message Text

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ORIGIN EA-09

INFO OCT-01 ISO-00 PM-04 NSC-05 SP-02 SS-15 L-03 CIAE-00

INR-07 NSAE-00 H-02 OMB-01 SSO-00 NSCE-00 INRE-00

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DRAFTED BY DOD/ISA:KBLEAKLEY/HERNDON:KA

APPROVED BY EA:RHMILLER

PM/ISO:GCHURCHILL (DRAFT)

L/EA:PNORTON (DRAFT)

EA/PHL:DPSULLIVAN

EA/PHL:JELAKE

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O R 032324Z AUG 76

FM SECSTATE WASHDC

TO AMEMBASSY MANILA IMMEDIATE

INFO SECDEF WASHDC

JCS WASHDC

CINCPAC

CINCPACAF

CINCPACFLT

CINCPACREPPHIL

CG 13TH AF

C O N F I D E N T I A L STATE 192387

MANILA FOR USDEL, CINCPAC ALSO FOR POLAD

E.O. 11652:GDS

TAGS: MARR, RP

SUBJECT:PHILIPPINE BASE NEGOTIATIONS: ARTICLES III, IV  
AND V

REFS: A. MANILA 10479 USDEL 132, B. MANILA 10480 USDEL 133

1. INTERESTED WASHINGTON AGENCIES COMMEND USDEL FOR  
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IMAGINATIVE REWORKING OF LANGUAGE ON COMMAND AND CONTROL

CONSISTENT WITH U.S. INTEREST IN UNHAMPERED EXERCISE OF THESE FUNCTIONS. WE CONCUR WITH YOUR SEEKING PHIL AGREEMENT TO LANGUAGE PROPOSED REFTEL A SUBJECT TO THE LIMITATIONS AND OPTIONS OUTLINED BELOW. THESE COMMENTS ALSO DRAW ON RECOMMENDATIONS CONTAINED CINCPAC 190019 Z JUL 76 (NOTAL)

2. ARTICLE III, COMMAND.

A. PARA 1: CONCUR. U.S. CONCESSION ON FLAG CONSIDERED ACCEPTABLE IN VIEW PHIL MOVES TOWARD U.S. POSITIONS IN OTHER AREAS OF GREATER IMPORTANCE.

B. PARA 2: WE FIND THE FIRST SENTENCE OF THIS PARAGRAPH UNACCEPTABLE BECAUSE ITS REPETITION IN BROAD TERMS OF PHIL BASE COMMANDER'S ROLE ENUMERATED IN PARA 1 COULD BE CONSTRUED AS BROADENING THIS ROLE WITH THE PHRASE "EXERCISE COMMAND" USED IN A CONTEXT WHICH COULD LEAD TO MISINTERPRETATION OF HIS RESPONSIBILITIES. WE SUGGEST FOLLOWING ALTERNATIVES IN DESCENDING ORDER OF DESIRABILITY:

FIRST ALTERNATIVE. DELETE ENTIRE FIRST SENTENCE ON GROUNDS THAT WE VIEW PARA 1 AS PROVIDING FOR PBC'S RESPONSIBILITY AND PARA 2 AS PROVIDING FOR U.S. FACILITIES COMMANDER'S RESPONSIBILITY. SECOND ALTERNATIVE. INSERT PHRASE "CONSISTENT WITH THE TERMS OF THIS AGREEMENT" AT BEGINNING OF FIRST SENTENCE OF PARAGRAPH. (N.B. PHRASE WOULD BE AT BEGINNING OF FIRST SENTENCE ONLY. WE DO NOT WISH IT TO LINK DIRECTLY TO U.S. FACILITIES COMMANDER THUS LEADING TO NARROW INTERPRETATION OF HIS ROLE.) THIRD ALTERNATIVE. DELETE FIRST SENTENCE AND INSERT THE FOLLOWING PHRASE AT BEGINNING OF YOUR SECOND SENTENCE "WITHIN A BASE OVER WHICH COMMAND IS EXERCISED BY PHILIPPINE BASE COMMANDER, THE U.S. FACILITIES COMMANDER SHALL ETC."

C. PARA 3: CONCUR.

D. PARA 4: CONCUR.

E. PARA 5: STRONGLY SUPPORT USDEL INSISTENCE ON U.S. CONFIDENTIAL

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FORMULATION WHICH PRECLUDES UNILATERAL PBC ISSUANCE OF DIRECTIVES. PHIL PROPOSAL THIS PARA CONFLICTS WITH AGREED TEXT PARA 3 WHICH ENSURES "UNHAMPERED U.S. MILITARY OPERATIONS." ASSUME FIRST SENTENCE U.S. PARA 5 SHOULD READ "THE PBC, IN THE IMPLEMENTATION, ETC."

F. PARA 6: INTERPRET THRUST THIS PARA TO PLACE PBC AS BUFFER BETWEEN GOP OFFICIALS AND U.S. FACILITIES COMMANDER

(USFC). HOWEVER, AMBIGUITY OF SECOND SENTENCE APPEARS TO PREVENT ACHIEVEMENT THIS GOAL. SPECIFICALLY, UNCLEAR IN SECOND SENTENCE WHETHER USFC IS TO ACT AS POINT OF CONTACT FOR PBC, PHIL AUTHORITIES, OR BOTH. RECOMMEND REVISE SECOND SENTENCE TO READ: "SIMILARLY, THE UNITED STATES FACILITIES COMMANDER OR HIS DULY DESIGNATED REPRESENTATIVE SHALL BE THE POINT OF CONTACT FOR THE PHILIPPINE BASE COMMANDER ON MATTERS..."

COMMENT: WE ARE AWARE OF THE CAREFULLY DESIGNED FLEXIBILITY IN PARA 6 PROPOSED REFTEL. ON THE ASSUMPTION THAT THIS PARA WOULD PROVIDE CHOICE OF CHANNEL WHEN REQUIRED, WE ARE PREPARED TO ACCEPT PARA 6 AS SUBMITTED IF, IN USDEL VIEW, FORMULA ABOVE WOULD PROVE COUNTERPRODUCTIVE.

3. ARTICLE IV, SECURITY.

A. PARAS 1 AND 2: CONCUR. AGREE THERE ARE ADVANTAGES TO PHIL ASSISTANCE IN HANDLING SOME ASPECTS OF SECURITY WITHIN FACILITIES. HOWEVER, WE MUST CONTINUE TO INSIST ON U.S. SUPERVISION OF U.S. RESTRICTED AREAS AS WELL AS DESIGNATED CONTROLLED AREAS.

B. PARA 3: CONCUR U.S. PARAGRAPH ESSENTIAL.

C. PARA 4: CONCUR.

D. PARA 5: DELETE "AND RECEIVERS" FROM TEXT SINCE THIS TERM WOULD INCLUDE ORDINARY RADIO RECEIVERS, AND ONLY PROBLEM FROM PHIL POINT OF VIEW IS TRANSMITTERS. WE CONCUR IN HANDLING HAM RADIO OPERATORS BY SEPARATE EXCHANGE OF NOTES.

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4. ARTICLE V, ADMINISTRATION.

A. PARAS 1 AND 2: CONCUR. KISSINGER

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## Message Attributes

**Automatic Decaptioning:** X  
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**Draft Date:** 03 AUG 1976  
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**To:** MANILA  
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